

## **REMARKS**

The present Amendment is in response to the Examiner's Office Action mailed August 19, 2009. Claims 1, 2, 11, 14, and 17- 20 are amended. Claims 1-4 and 11-20 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **I. Interview Summary**

On October 16, 2009, Applicants attorney conducted a telephone interview with the Examiner. This response incorporates the substance of the interview. The Examiner indicated that claim 1 as amended appeared to overcome the art of record. However, the Examiner indicated that an updated search would be required before the claims could be allowed.

The Examiner further indicated that a terminal disclaimer with respect to U.S. Patent 6,317,882 would be needed to overcome an obviousness-type double patenting rejection. Submitted herewith is a terminal disclaimer with respect to U.S. Patent 6,317,882.

### **II. Rejection Under 35 U.S.C. § 103**

The Examiner rejects claims 1-6, 11-13, and 17-20 under 35 U.S.C. § 103(a) in view of *Proehl* (U.S. Publication No. 2003/0131356) and *Harrison* (U.S. 5,878,222). Applicant respectfully traverses the rejection inasmuch as *Proehl* and *Harrison*, whether alone or in combination, fail to teach or suggest each and every element of the claim for at least the reasons

noted in the previously filed response. However, in order to expedite issuance of a patent, independent claims have been amended.

As indicated by the Examiner in the interview conducted October 16, 2009, *Harrison* and *Proehl* fail to render obvious claim 1, as amended by this paper. Although not identical in scope to claim 1, claims 11, 14, 17, 18, 19, as amended, are also believed to be allowable for the same reasons as claim 1.

### **CONCLUSION**

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 13th day of November, 2009.

Respectfully submitted,

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